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C O N F I D E N T I A L SECTION 01 OF 02 DAKAR 002030

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STATE FOR DRL/AE, AF/RSA, AF/W, INR/AA, AND CA/OCS/ACS
PARIS FOR POL - D'ELIA

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TAGS: PHUM CASC PINS KJUS SG

SUBJECT: DIAS FATHER AND SON ARRESTED, QUESTIONED ABOUT
NATIONALITY AND CONVICTED OF SLANDER

REF: A. DAKAR 01205

1B. DAKAR 01984

Classified By: DCM Robert P. Jackson for reasons 1.4 (b) and (d).

SUMMARY

11. (U) Jean-Paul Dias, head of the center right party BCG, and his son, Barthelemy, leader of the "Socialist Vision" movement within the Socialist Party (PS), were both arrested last week in an unusual display of force. Jean-Paul Dias was detained in Rebeuss Prison until his health failed, at which point he was transferred to a secure hospital room. On August 16, he was tried for dissemination of false news, a death threat against the head of state, and contempt of court, and sentenced to a year in prison with nine months suspended. Barthelemy was charged with dissemination of false news, slander and threats against a judicial official. On August 22, the judge sentenced him to six months in prison. The arrests have stirred controversy for three reasons: the level of force used to arrest the elder Dias, the fact that both father and son were arrested within days, and the questions the Government has raised about their nationality. END SUMMARY.

POLICE BREAK DOWN DIAS' DOOR AND STRIKE WIFE

12. (U) On August 8, the Police Criminal Investigation Division (DIC) attempted to serve a summons on Jean-Paul Dias to appear for questioning, but he refused to appear. For days, the purpose of the summons was unclear. On August 16, however, the press reported that the summons was to question him about his nationality. Jean-Paul Dias was officially born in Senegal to a French father and Cape Verdean mother. His mother obtained his birth certificate after his birth in 1946, then re-registered his birth after she separated from his father in 1948.

13. (C) The night of August 16, an elite police unit (normally reserved for kidnappings and violent crimes) surrounded the Dias home in full battle gear. Around 6 o'clock the following morning, the police -- Mrs. Dias estimated more than 50 officers -- knocked, then immediately broke down the front door of the house. Mrs. Dias told us when she heard the knock, she went to open the door, as her husband was not yet dressed. When she got to the door, the police broke through it and hit her on the mouth. While she bled profusely, they proceeded to the bedroom, which was still dark in the early morning. According to Mrs. Dias, they then grabbed her husband, refusing to let him get fully dressed. He was dragged outside and, by Mrs. Dias' account, shoved feet-first into a vehicle. She later obtained medical treatment on her own.

14. (C) A visit to the Dias' home on August 18 quickly

revealed the extent of damage caused by the police. The police attempted to break down two separate doors, before using a battering ram to break through the twelve-inch thick cement wall surrounding the front door. The bedroom door was also forced open, and the electricity and phone lines cut. Mrs. Dias told us she has not yet been able to restore electricity or phone service and is essentially trapped in their house. The damage to the doors affected the locks, making it impossible to keep her house secure.

JEAN-PAUL DIAS' HEALTH DETERIORATES

¶5. (C) After a day-long interrogation at the DIC, Jean-Paul Dias was held in Rebeuss Prison. According to media reports and his wife, he was held in a cell with 20 or so others, including some accused of murder and others who appeared mentally ill. With no other source of air, prison authorities created a small hole in one wall through which to pump air. Apparently from lack of oxygen, however, Jean-Paul ultimately fell unconscious. He later reported to his wife that the guards accused him of feigning his illness and failed to get medical help for days. RADDHO, a prominent local human rights organization, asked for permission to check on Dias but was refused access. Finally, a prison doctor was sent and referred him to the hospital, where he has been treated for heart problems and high blood pressure.

JEAN-PAUL DIAS SENTENCED

¶6. (U) He was tried on August 16, charged with dissemination of false news (for saying the Prosecutor did President Wade's bidding), a death threat against the head of state (for saying he would kill anyone who tried to touch his son), and contempt of court (for criticizing the Prosecutor), and

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sentenced to one year in prison with nine months suspended. His attorneys are considering an appeal.

BARTHELEMY DIAS SUMMONED, ARRESTED AND SENTENCED

¶7. (C) On August 12, Jean-Paul Dias' son was summoned to the DIC and questioned for 24 hours before being placed in detention at the prison camp, normally used to hold prisoners who have already been tried and sentenced. The Dakar daily "Walfadjri" theorized the GOS wanted to keep father and son apart, partially out of fear that they could cause trouble together. Again, RADDHO sought access but was refused. On August 14, Barthelemy Dias was formally charged with spreading false news, slander and threats against a judicial official. On August 16, the same day as his father's trial, the police again entered the Dias home. Without a warrant, they searched the house and seized Barthelemy's U.S. passport and a weapons permit. Barthelemy holds dual Senegalese and American citizenship.

¶8. (C) Barthelemy's case went to trial on August 17. An outstanding orator, he was in complete control of the courtroom, telling judges not to interrupt him. His sister, Fanny, told us the guards outside Barthelemy's trial attempted to bar her from the trial, as they tried to do when she attended her father's trial the day before. She also reported that during Barthelemy's trial, the prosecutor cited an article in the penal code which does not exist. The prosecutor also told the defense lawyers in front of the courtroom that they "should be ashamed of defending such a mean, petty person." One of his lawyers familiar with the fact that this prosecutor had previously been charged with embezzlement, responded that the prosecutor was ill-placed to talk. The prosecutor surprised Barthelemy's attorneys by introducing into evidence a recording of him accusing Wade of lying and the prosecutor of corruption. Barthelemy said the statements were made in the Dias' garage just after Jean-Paul Dias' arrest. The son's attorneys argued the evidence should not have been admissible; and the judge decided to put off rendering a verdict until August 22, when he sentenced the

younger Dias to six months in prison. His U.S. passport has been returned and consular access has been offered in principle for later this week.

COMMENT

¶9. (C) In May, Embassy reported on the arrest of Jean-Paul Dias while entering a Good Friday service at the national cathedral (Ref A). At the time, he was charged in connection with statements he made prior to the arrest of Amath Dansokho, leader of the Labor Party, urging resistance to any attempt by the DIC to apprehend Dansokho. Jean-Paul Dias subsequently made a comment that he would "kill" whoever attempted to arrest his son. Although prominent members of the opposition condemned this statement, and the police said they viewed it a serious threat, there was widespread agreement that the police used unreasonable force to arrest him this time around. Embassy agrees, especially since the elder Dias has a reputation for making inflammatory statements and since the summons being delivered was for questions regarding his nationality, as later admitted by the prosecutor, and not with his threats.

¶10. (C) Nationality has apparently become an issue in both the father and son's cases. Despite the fact that Mrs. Dias has not yet contacted the U.S. Congress, as reported in the media, nor sought other direct assistance from the USG for her son, the GOS has made inquiries into Barthelemy's citizenship status and publicly questioned whether or not Jean-Paul is, in fact, Senegalese. Fanny Dias pointed out that questioning citizenship is odd, given her husband's experience as former advisor and minister to previous presidents (and given the fact that President Wade and his wife both hold French citizenship). She and others in the NGO community, as well as in the press, have argued that it is a slippery slope to start questioning people's citizenship, in a country traditionally marked by tolerance. Fanny added that she was in Cote d'Ivoire just prior to the eruption of fighting there and remarked upon some similarities to the Senegal of today. In particular, she said the Ivoirians began to question people's nationality before the civil conflict.

¶11. (C) Embassy does not necessarily believe the Dias arrests are harbingers of an outbreak of Cote d'Ivoire-style conflict, but they are a low point in Senegal's human rights records and examples of the out-and-out intimidation in the run-up to the next elections. END COMMENT.

JACOBS